

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES FIRE INSURANCE
COMPANY; ENDURANCE AMERICAN
INSURANCE COMPANY; NAVIGATORS
INSURANCE COMPANY; AGRICO
SALES INC,

Plaintiff,

v.

OXBO INC; OXBO ENGINEERING LLC,
Defendant.

Case No. 3:22-cv-05228-TMC

ORDER DENYING MOTION TO
WITHDRAW AS ATTORNEY

Before the Court is Attorneys James McCurdy and James Molyneux-Elliot's motion to withdraw as counsel for third party defendant Alexander Gow, Inc. Dkt. 79. Motions to withdraw are ordinarily granted if filed at least sixty days before the discovery cutoff. Local Civil Rule 83.2(b)(1). District courts in the Ninth Circuit, including this one, consider the following factors in assessing motions to withdraw as counsel: (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which withdrawal will delay the resolution of the

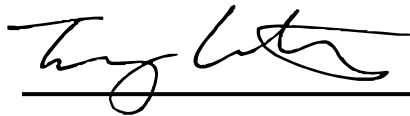
1 case. *Protingent, Inc. v. Gustafson-Feis*, No. 2:20-cv-01551-TL, 2022 WL 2479124, at *1 (W.D.
2 Wash. July 6, 2022); *see also, e.g., Kessler v. State Farm Fire & Cas. Co.*, 3:23-cv-05527-TMC,
3 slip op. at 2 (W.D. Wash. Feb. 26, 2024). “District courts have discretion to approve or deny a
4 motion to withdraw as counsel.” *Protingent*, 2022 WL 2479124, at *1 (citing *McNall v. Pac. Ret.*
5 *Servs., Inc.*, 859 F. App’x 48, 49 (9th Cir. 2021)).

6 The discovery cutoff in this case was January 5, 2024 (Dkt. 70), and this motion was filed
7 more than two months later, on March 19, 2024. Dkt. 79. Under Local Civil Rule 83.2(b)(1),
8 there is a presumption against withdrawal at this late stage in the case. The motion does not
9 address the above-cited factors or provide any reason why the Court should find the presumption
10 against withdrawal is overcome.

11 Accordingly, the Court DENIES the motion to withdraw, Dkt. 79, WITHOUT
12 PREJUDICE. If they so choose, Attorneys McCurdy and Molyneux-Elliot may file another
13 motion to withdraw that addresses the factors set out above.

14 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
15 to any party appearing pro se at said party’s last known address. The Clerk is also directed to
16 mail uncertified copies of this Order to Alexander Gow, Inc. at the addresses provided in the
17 motion to withdraw: 1900 W. Nickerson Street, Suite 306, Seattle, WA 98119-4223 and 5319
18 SW Westgate Dr., Suite 225, Portland, OR 97221.

19 Dated this 17th day of April, 2024.

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22 Tiffany M. Cartwright
23 United States District Judge
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